

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/530,895 05/05/00 WILLMOT

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000321 PM82/0605  
SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS MO 63102

EXAMINER

PANG, R

ART UNIT PAPER NUMBER

3681

DATE MAILED:

06/05/01

*5*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/530,895</b>	Applicant(s) <b>Willmot</b>
	Examiner <b>Roger Pang</b>	Art Unit <b>3681</b>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Apr 30, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-42 is/are pending in the applica

4a) Of the above, claim(s) 6-10, 13-25, and 29 is/are withdrawn from considera

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5, 11-12, 26-28, and 30-42 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

20)  Other:

Art Unit: 3681

### **DETAILED ACTION**

The following action is in response to communications filed for application 09/530,895 on April 30, 2001.

#### ***Election/Restriction***

1. Claims 6-10, 13-25, and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 34, line 26, the drawings of a transmission are directed toward Figures 19 and 20 (when they are clearly not of the transmission); on page 34, line 30, a pawl carrier is labeled as part "560", when on page 35, line 4, the ring is also labeled as part "560". It appears the second reference is correct.

Appropriate correction is required.

Art Unit: 3681

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5, 11-12, 26-28, and 30-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, on line 18, the limitations of “the input power supply” and “the output power supply” lack antecedent basis. With regard to claim 4, lines 2-4 are confusing, as it is unclear whether the limitations are being claimed. Applicant is suggested to replace “s stationary orbital...regressive orbital motion.” with --one of a stationary, progressive, or orbital motion-- . With regard to claim 11, on lines 1-2, the limitation of “second orbit means” should be replaced with --second orbital means-- (to be consistent with the previous claims). Also, on lines 2-3, the limitations of “the first and second assembly rings” lack antecedent basis. With regard to claim 26, the limitations of “the respective first and second assembler rings” lack antecedent basis. With regard to claim 30, on line 6, “a second transfer means” is claimed, but this is confusing, since “a first transfer means” was never claimed. With regard to claim 31, on lines 1-2, the limitations of “the first plurality of secondary means” lack antecedent basis. It is believed “the first plurality of secondary means” should be replaced with -- the first plurality of secondary members--. With regard to claim 32, on lines 1-4, the limitations of “the double orbiting system”, “the first orbital means and second orbital means”, and “the orbiting

Art Unit: 3681

power transfer means" lack antecedent basis. With regard to claim 34, on line 20, the limitations of "the input power supply" and "the output power supply" lack antecedent basis. With regard to claim 35, on line 13, the limitation of "the activation point" lacks antecedent basis. With regard to claim 42, on lines 2-3, the limitation of "the orbit body" lacks antecedent basis.

Please note, if a generic claim is allowed, and other dependent claims are rejoindered, it is suggested that applicant make any possible 35 USC 112 second paragraph correction before those claims are rejoindered.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Takamiya. With regard to claim 1, Takamiya teaches a transmission including: an input means 15; an output means 4; a plurality of secondary members 22,23 for supplying output power, for only part of each rotary cycle of the input means; power transfer means 20,21 for engagement with the plurality of secondary members; the plurality of secondary members being coupled to one of the input means or the output means and the power transfer means being coupled to the other of the input means (via 19) or the output means; first orbital means 15 for causing the plurality of

Art Unit: 3681

secondary members to undergo orbital motion; and second orbital means 12 for causing the power transfer means to undergo orbital motion so the combined orbital motions cause power to be transmitted from the input means to the output means. With regard to claim 2, Takamiya teaches the transmission, wherein the transmission further includes load distributing means for differentially distributing the load taken by the secondary members between at least two of the secondary members at any one time (Fig. 3). With regard to claim 4, Takamiya teaches the transmission wherein the orbital motion is one of a stationary, progressive, or regressive orbital motion (Fig. 1). With regard to claim 5, Takamiya teaches the transmission, wherein the secondary members comprise of a first set of pawls and a second set of pawls.

7. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondoh. With regard to claim 1, Kondoh teaches a transmission including: an input means 21; an output means 22; a plurality of secondary members 25(1),25(2) for supplying output power, for only part of each rotary cycle of the input means; power transfer means 29 for engagement with the plurality of secondary members; the plurality of secondary members being coupled to one of the input means (via 23) or the output means and the power transfer means being coupled to the other of the input means or the output means; first orbital means 23(1),23(2) for causing the plurality of secondary members to undergo orbital motion; and second orbital means 28 for causing the power transfer means to undergo orbital motion so the combined orbital motions cause power to be transmitted from the input means to the output means. With regard to claim 2, Kondoh teaches the transmission, wherein the transmission further includes load distributing means for

Art Unit: 3681

differentially distributing the load taken by the secondary members between at least two of the secondary members at any one time (Fig. 2). With regard to claim 4, Kondoh teaches the transmission wherein the orbital motion is one of a stationary, progressive, or regressive orbital motion (Fig. 1).

8. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Heap. With regard to claim 1, Heap teaches a transmission including: an input means l; an output means a; a plurality of secondary members g,f for supplying output power, for only part of each rotary cycle of the input means; power transfer means h for engagement with the plurality of secondary members; the plurality of secondary members being coupled to one of the input means or the output means via e,e1 and the power transfer means being coupled to the other of the input means via e2 or the output means; first orbital means c,d for causing the plurality of secondary members to undergo orbital motion; and second orbital means j1 for causing the power transfer means to undergo orbital motion so the combined orbital motions cause power to be transmitted from the input means to the output means. With regard to claim 2, Heap teaches the transmission, wherein the transmission further includes load distributing means for differentially distributing the load taken by the secondary members between at least two of the secondary members at any one time (Fig. 2). With regard to claim 4, Heap teaches the transmission wherein the orbital motion is one of a stationary, progressive, or regressive orbital motion (Fig. 1).

Art Unit: 3681

***Allowable Subject Matter***

9. Claims 3, 11-12, 26-28, and 30-42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson, Hart, Lorence, Loukovski, Shook, Egawa, and Morgan have been cited to show similar transmissions.

**FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 305-3597**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging

Art Unit: 3681

such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Typed or printed name of person signing this certificate:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your

Art Unit: 3681

application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger Pang whose telephone number is (703) 305-0445. The examiner can normally be reached on weekdays (Monday through Thursday) from 6:30 a.m to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, can be reached at (703) 308-0830. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

mp

RLP

June 1, 2001

*Charles A. Marmor 6/1/01*  
CHARLES A. MARMOR  
SUPERVISORY PATENT EXAMINER  
ART UNIT 3681